

Attorney Docket No.: 3745.234-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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PATENT

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8/22/02

In re Application of: Efendic et al.

Serial No.: 09/754,723 ✓

Group Art Unit: 1614

Filed: January 4, 2001

Examiner: Duffy, P.

Confirmation No.: 3358

For: Use Of A Peptide

TERMINAL DISCLAIMER UNDER 37 CFR 1.321

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

I am an attorney of record for the instant application.

Novo Nordisk A/S is the assignee of the entire interest in the above-identified application as evidenced by the assignment from the named inventors to Novo Nordisk A/S in grandparent application 08/295,913 that was as recorded on October 13, 1994 at Reel 7219, Frame 0459.

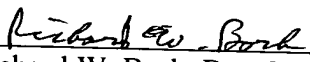
The terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Reissue Patent No. RE 37,302, issued July 31, 2001, is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Reissue Patent No. RE 37,302, issued July 31, 2001, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term of U.S. Reissue Patent No. RE 37,302, issued July 31, 2001, in the event that the latter later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued in any matter or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The Commissioner of Patents is hereby authorized to charge the fee required under 37 C.F.R. 1.20(d) for the filing of this Terminal Disclaimer, estimated to be \$110.00, to Deposit Account No.14-1447. A duplicate of this sheet is enclosed.

Respectfully submitted,

Date: August 6, 2002


Richard W. Bork, Reg. No. 36,459 ✓
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